59

Claims for the Use and Destruction of Private Property during the Late War.

SPEECH

OF

HON. JOHN RITCHIE,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES, APRIL 13, 1872.

The House having met for debate as in Committee of the Whole on the state of the Union—

Mr. RITCHIE said:

Mr. SPEAKER: I propose on this occasion to invite the attention of the House to the bill that I introduced early in the session, and which is now pending in the Committee on Appropriations, "for the ascertainment and examination of all claims for compensation for the use, damage to, and destruction of private property by and for the benefit of the United States Army during the late war arising in those States that remained in the Union." This measure is one in which the counties of Allegany, Washington, Frederick, Carroll, and Montgomery of my State are especially interested. The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby, authorized to nominate, and, by and with the advice and consent of the Senate, appoint a board of commissioners, to be designated as Commissioners of Claims, to consist of three commissioners, who shall be commissioned for two years, and whose duty it shall be to receive, examine, and consider the justice and validity of such claims as accrued in those States that were not proclaimed as in insurrection to the United States, as shall be brought before them by citizens who resided therein, for stores or supplies taken or furnished, or for property used, damaged, or destroyed for the use of the Army of the United States during the late war for the preservation of the Union, including the use, loss, damage, or destruction of vessels or boats while employed in or taken for the benefit of the military service of the United States. And the said commissioners, in considering said claims shall be satisfied, from the testimony of witnesses under oath, or from other sufficient evidence which shall accompany each claim, taken under such rules and regulations as the commissioners may adopt, of the quantity, quality, and value of the property alleged to have been taken, furnished, used, damaged, or destroyed, and the time, place, and material circumstances of the taking, furnishing, using, damaging, or destroying of the same. And upon satisfactory evidence of the justice and validity of any claim, the commissioners shall report their opinion in writing in each case, and shall certify the nature, amount, and value of the property taken, furnished, used, damaged, or destroyed, as aforesaid. And each claim which shall be considered, and rejected as unjust and invalid, shall likewise be reported, with the reasons therefor; and no claimant shall withdraw any material evidence submitted in support of any claim.

SEC. 2. That said commissioners shall each take the oath of office provided by law to be taken by all officers of the United States, and shall proceed without delay to discharge their duties under this act. The President of the United States shall designate in his appointment one of said commissioners to be president of the board, and shall be authorized to fill any vacancy which may occur by reason of death or resignation in said board; and each commissioner shall have authority to administer oaths and affirmations, and to take the depositions of witnesses in all matters pertaining to their duties. The said commissioners shall meet and organize said board, and hold their sessions at Washington. Two members of the board shall constitute a quorum for the transaction of business, and the agreement of two shall decide all questions in controversy. The said commissioners shall have authority to make and publish rules for their procedure, not inconsistent with this act, and shall publish notice of their sessions. They shall keep a journal of their proceedings, to be signed by the president of the board, and a register of all claims brought before the board, showing the date of presentation, number, name, and residence of claimant, subject-matter and amount of claim, and the amount, if any, allowed, which records shall be open to the inspection of the President and Attorney General of the United States, or of such officer as the President may designate.

SEC. 3. That said commissioners shall make a report of their proceedings, and of each claim considered by them at the commencement of each session of Congress, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration; and all claims within this act and not presented to said board shall be barred, and shall not be entertained by any department of the Government without further authority of Congress.

SEC. 4. That the commissioners of claims shall be paid quarterly under this act at the rate of $5,000 per annum each, and they shall have authority to appoint one clerk and one short-hand reporter, to be paid quarterly at the rate of $2,500 per annum each, and one messenger, to be paid at the rate of $1,200 per annum, who shall perform the services required of them respectively; and said board shall be further allowed the necessary actual expenses of office-rent, furniture, fuel, stationery, and printing,

to be certified by the president of the board, and to be audited on vouchers and paid as other judicial expenses are.

SEC. 5. That a sufficient appropriation to carry this act into effect is hereby made out of any money in the Treasury not otherwise appropriated.

It will be remembered that I made an ineffectual attempt to attach it to the naval appropriation bill some time since; and when the annual Army appropriation bill was on its passage a few days ago I proposed to incorporate it as an amendment to that in order to avoid the delay of a report in regular turn from the committee having it in charge; but I regret to say that notwithstanding my appeal to the contrary, the parliamentary point was made, and necessarily sustained, that it was not germane legislation. It is proper to say, however, that the gentleman raising the objection, [Mr. DICKEY,] while doing so, disclaimed any hostility to the measure as an independent one; and I trust, therefore, when it is regularly reached, to find him, and also the gentleman from Ohio, [Mr. GARFIELD,] who excluded it on the former occasion, with a sufficient number of others, giving it their support.

I do not permit myself to suppose that the majority, which is responsible for the legislation of this House, will permit a bill so just and meritorious in its object and so cautious and moderate in its provisions, to fail of passage. The effect of this bill would be to place those claimants for supplies taken and property damaged, who reside in the States that continued in the Union, on an equal footing with loyal claimants for similar relief residing in the States that seceded.

As the law now stands, the latter class have superior facilities for the preferment and consideration of their claims, and a wider range in their subject-matter; an inequality that could not have been designed and should not be suffered to continue. Surely—while not meaning any reflection—citizens residing north of the Potomac are entitled in any aspect, to equal advantages with those on the other side in seeking redress at the hands of the Government.

This bill is modeled after that which was in the interest of southern claimants inserted as an amendment into the Army appropriation bill of last year, and it was to secure the weight and equitable suggestion of the precedent and extend the parallel that I endeavored to introduce it as an amendment at the same point in the same bill for this year.

As in that amendment, this bill provides for the appointment of three commissioners, who are to investigate all claims of the nature described that may be submitted, and to report the same, with their judgment thereon and the reasons thereof, to Congress for its final disposition.

In view of the reluctance hitherto manifested to entertain claims based on loss or destruction of property, I have thought a bill providing for their preliminary investigation the most eligible one, and most likely to receive favorable action. It obviates the danger of setting precedents in legislating on particular cases that might prove embarrassing, and of committing Congress in principle to appropriations the extent of which it has now no reliable means of ascertaining. At the same time its adoption would not preclude Congress from taking action in special cases if inclined to do so.

It is admitted that many of the numerous appeals for relief and compensation are meritorious, and that in common justice the Government should extend them prompt and favorable consideration; yet it is evident that Congress cannot devote the time necessary to a careful investigation of these claims in detail. Still, at the same time, the amount involved in the aggregate might prove so large that Congress may be unwilling to transfer all control of them to the ministerial departments. The Committee of Claims is oppressed with a large number of these applications, which they are somewhat perplexed how to treat until Congress shall have indicated some settled policy in regard to them.

In these various aspects I have presented my bill framed as it is. If Congress is in a mood that will admit of more speedy means for the adjustment of these demands, I shall be only the more pleased to have my method superseded. If this bill shall but serve to initiate favorable action of any kind, it will have manly answered its purpose. If more can be now effected than I have supposed, I shall be gratified that I have underrated the disposition to afford relief. Should my effort prove the occasion of accomplishing something in the desired direction, although in a modified or different shape, and through the agency of some one else, even should it be much less than what I have moderately proposed, I shall be glad to welcome it as affording an earnest that adequate justice is eventually attainable.

But while I am not exacting as to the method, or even measure of present redress, I am importunate that a beginning should be made in the matter. And if the majority in this body, which has control of its legislation, shall continue to disregard the well-founded appeals which come up from those whose substance was consumed in supplying and sustaining your triumphant armies, I cannot but hold up such a failure to a much-wronged community as cruel ingratitude and injustice. But I shall at least acquit myself of my responsibility, and I propose to vex the ear of this House till I touch its heart if, in the language of a once popular but now somewhat disparaged individual, it takes not only "all the summer," but the ensuing winter besides.

As I have stated, sufferers by reason of supplies taken and losses inflicted in the adhering States have not the same opportunities with southern claimants for pressing their demands.

The Court of Claims, by the act of July 4, 1864, was deprived of jurisdiction in all cases of damage arising from the war; and the same act comprises the only legislation thus far provided for sufferers in the "loyal" States. The relief, however, furnished by that act and the regulations based upon it is entirely inadequate.

Under that statute, and the construction given it, the only claims that can be entertained are those of loyal citizens for articles that were taken by or supplied to the Army on the authority of a competent officer, and come within the technical discription of "quartermaster's stores," or "subsistence." Claims for damages for property injured or destroyed, or from thefts or depredations committed by troops, or so much of a charge for stores or supplies as is an element of damages, are, by the regulations, excepted from consideration. Moreover, proof of the furnishing such articles as are provided for is restricted to "the receipts of the officers taking the same, or other official evidence, and in the absence thereof there is required the testimony of some officer, soldier, or person employed by the Government personally cognizant of the alleged appropriation, detailing in full the circumstances attendant thereon, and setting forth of his own knowledge the details of the seizure, the quantities and values, and the use to which this property was applied, and the regiment, company, detachment, or other military body to the use of which the stores were appropriated." Numerous claims have been rejected because of the failure to furnish evidence of this minute and onerous strictness, and its exaction operates a practical denial of justice. From the circumstances and nature of the occasion under which much was taken for and supplied to the Army, this proof is in many cases unattainable.

Under the southern claims commission the evidence to establish a claim is such as would be admitted in a suit in a court of law, or be reasonably competent between man and man, and is not confined to official records or the testimony of those attached to the Army or Government. The testimony of credible private citizens is received; and common experience and common justice sanction such evidence as properly admissible, particularly where official proof is made unusually difficult from circumstances caused by the party making and benefited by the appropriation, and who had the power to take without the consent of the owner, and frequently so exercised it. Can it be that the Government, after having exercised a power of seizure which is denied the private citizen, will continue to deny common and reasonable facilities to the sufferer to establish his claim for compensation? It is not in this sense, I trust, that it is boasted we have "a strong" Government.

In the nature of the case the emergencies of the Army often forbade the delay of a formal requisition, while they equally necessitated an immediate supply of its wants. And frequently when supplies had been formally taken, the sudden movements and numerous casualties of a campaign prevented the execution of proper vouchers, or making full official returns. The citizen, ignorant of the subdivisions of the force, was often unable to trace up the officer responsible for the taking of his property, and who could give the necessary voucher, and access to the camps was always difficult, at times impossible, and frequently attended with much personal hazard. Where proper receipts were not secured the effort to supply secondary evidence often proves futile because of the fatalities of the war, and the dispersion to their unknown homes and changing residence of those in the Army who were personally cognizant of the taking of the stores. The practical difficulties besetting a sufferer, under the strictness of proof required, must be apparent with but little reflection.

The needs, for instance, of an army of a hundred thousand men in active movement, for food, fuel, forage, shelter, and transportation, brooked no delay. After a forced march, and in the presence of an active enemy—assailing perhaps the supply trains—bivouacking on its arms for a day, or a night, or a week, as the case might be, there was little opportunity for the "red tape" routine that might be practicable in "the piping times of peace," when morning reports, dress-parades, and furbishing buttons chiefly consume the time and relieve the monotony of garrison duty.

The three memorable campaigns, with hurried marches, which swept over western Maryland like siroccos, almost in the same track, and were marked by Antietam, Monocacy, the menace of the national capital itself, and Gettysburg, necessarily involved an immense use and destruction of private property.

When Lee and McClellan or Lee and Meade were confronting each other, and a Stuart and a Mosby were charging the flank or intercepting the wagons, was the cavalry with its jaded horses to sit motionless in their saddles till fresh ones could be regularly bought or impressed, and proper receipts given? Were the exhausted and famishing infantry to lie shivering in the gloom on the cold earth till cord-wood, as known to the regulations, could be procured from the distant wood-lot, and vouchers in due form made out? Were the starving wagon teams to be hitched passively at the way-side till the owners of adjoining pasture-fields or convenient hay-stacks could be hunted up and directed to let down the bars?

If any inexperienced civilian or martinet can complacently respond in the affirmative, not so would reply the officers and men who endured the rigors, wants, and dangers of active service, and whom you sent to the field. No; the pressing necessities of the Army required to be at once supplied, even if the plow in the field or the farm-team on the way to mill were bereft of horses; though fences furnished the only ready material for light and fire, or ripening grain fields were the only handy pasturage.

But as your Army imperatively needed these things, and appropriated them, you are bound to see to it that the damage from these exactions is not borne exclusively by those individuals who chanced to live in the pathway of your troops or close to their camping grounds, and whom you should reimburse from the common Treasury of that Government which these troops were called out to sustain.

The camping of such an Army as that led by McClellan or Meade on a farm for even a day or two sufficed to destroy it. Many a fair homestead, blooming with beauty, luxuriant with the coming harvest, and promising a plenteous return to the toiling owner, was transformed in a night almost into a desert. The instances are not few in which the destruction has reduced the proprietors and tenants of small farms to the verge of poverty; and these losses have fallen with peculiar hardship on widows and orphans, who required the more careful husbanding of their small resources to "make both ends meet." Especially frequent are such cases of hardship in Montgomery county, which lies within the shadow of the Dome that covers us, and which should symbolize the moral rectitude, as well as power, size, and aspirations of this great Republic. While the dusky antipodes of Japan can open the hand of your bounty in mammoth subsidies, and the outstretched arms of Ethiopia encircle you in welcome embrace, let your brethren at the door at least have justice.

While the hand of war pressed heavily on all western Maryland, the county of Montgomery particulary suffered. In 1860 she owned within her borders five thousand four hundred and twenty-one slaves, worth $2,500,000, a property in which her people had invested under the solemn recognition and sanction of the Constitution, in which instrument New England had secured, as one of the conditions of its adoption, against southern remonstrance, the extension of the slave trade till 1808.

These $2,500,000 of property, more than a fourth of her entire wealth, you forcibly consumed in your holocaust of freedom. For this she is urging no claim: but as you lay her under tribute, stripped as she has been, equally with other portions of the land, to support the Government and pay the war debt, see to it that she suffers, as far as you can effect it, only her fair proportion of the actual desolations and ravages of the war. Equitably considered, every exaction from a citizen for national purposes beyond his distributive share of the common burden is but the contribution of a trustee or agent, which the Government, in good conscience, is bound to reimburse him.

But further, not only is the relief afforded by the act of July 4, 1864, too narrow, first, in limiting the compensation to such articles taken by or furnished to the Army as were appropriated by the authority of an officer; and secondly, in restricting the proof of such appropriation to written official evidence, or the testimony of those attached to the Army or in the employ of the Government, but it is grossly inadequate in that it excludes all claims for supplies that do not come within the definition, technically, of "quartermaster's stores" or "subsistence," or are founded on "depredations" or the damage, as such, to property.

Now, it might fairly be contended that upon the advent of an army which practically supersedes or suspends the ability of the ordinary civil authorities to maintain law and order and punish offenders, and renders the citizen powerless to protect his property—exposing him indeed to personal danger from straggling soldiery if he attempts it—the Government, which is responsible for the presence of that army, is responsible for all the consequences of its acts which the private citizen by no reasonable precautions or efforts of his own can prevent.

But, conceding that the Government should not be held liable for losses from theft and unauthorized depredations as commonly understood, or for destruction of property wantonly committed, there still remains a class of depredations which, while perpetrated without specific orders, and not literally within the denomination of "quartermaster's stores" or "subsistence," were yet committed as much to meet the necessary wants and exigencies of the Army, and were as expressly so applied, as any supplies technically recognized as such.

Examples of this species of depredation are grain-fields into which cavalrymen and teamsters turned their famishing horses, and fencing consumed as fuel for camp-fires. Growing wheat is not recognized as among "quartermaster's stores" or "subsistence;" nor are fences that have been burned allowed for except at the marketable rate of cord-wood. How inadequate such a compensation, to commute say, twenty panels of post and rail fencing, worth $1 50 per panel, as a cord of wood at the price of three dollars; and yet this is the rate of compensation which now mocks the owner who seeks relief for the destruction of his inclosures and the laying open of his farm as a common!

But not even this meager pittance is avail-

able if the fences were torn down to admit of free passage for troops, or were used in making breastworks. And there is further, no relief whatever where farms have been seamed over and rendered unfit for husbandry, or even occupation, by entrenchments and ditches, or were made the sites of fortifications, as was particularly the case in the vicinity of Washington; where too, acres upon acres of valuable groves and bodies of timber were felled as defensive obstructions, or to clear the view and prevent surprise.

Another class of meritorious claimants in Maryland are those interested in and doing business in connection with the Baltimore and Ohio railroad, and the Chesapeake and Ohio canal. These works run beside the Potomac river, along which the war raged with especial fury. Every canal boat was liable to seizure for the transportation of troops and supplies, and their availability for such uses peculiarly exposed them to loss and destruction.

Still another class of sufferers not sufficiently provided for are the owners of churches, seminaries, school-houses, and other buildings that were occupied as quarters and hospitals for troops. True, such occupation has been in instances paid for so far as such use could be treated as a mere renting. But such a rule of payment is grossly inadequate; for it excludes from the estimate all injury in excess of ordinary wear and tear, while the buildings were often so dismantled and ruined as to render them unfit, except at heavy outlay, for their original purpose. It also debars from consideration the incidental injury to the business connected with the edifice, sometimes its chief element of value, as is the case where institutions of learning were appropriated, and the scholars were necessarily dispersed to their homes or other places of tuition.

President Grant, while in command of the army, advocated the equity of compensation to owners of property occupied or destroyed for "public use," as appears from his indorsement of the claim of James and Emma S. Cameron for relief for the appropriation of their residence by United States troops, recently qouted, and with approval, by the Committee on Claims of the Senate.

There is one particular in which the bill I have introduced differs from the law establishing the southern claims commission, and from the act of July 4, 1864. In the first of these two it is directed that the commissioners in considering the claims must be satisfied, not only of their justice and validity, but also of "the loyalty" of the claimant. In the act of 1864 there is a provision similar in effect, and the Quartermaster General and the Commissary General of Subsistence, in their respective departments, are made the tribunals to investigate and determine this question of loyalty. In the bill I have submitted proof is required only of "the justice and validity of the claim."

This may be regarded as a material omission by the majority in this House; and if its disposition is such that no additional facilities will be accorded to claimants unless the qualification referred to is added, I would suggest that the bill is within the power of this House for such amendments as it may insist upon. I can only say for myself that in the light of my sworn obligation to support the Constitution as I understand that fundamental charter alike of our powers and of the rights of the citizen, I could not recognize in any legislation of my offering a discrimination so false in principle, so pernicious in example, and so unjust in operation.

The genius and safeguard of republican institutions is freedom of opinion and accountability only for actual deeds to rightfully established law. In that view, and providing for both as inevitable and desirable in a country intended to be free, the fullest liberty of thought and conviction, the framers of our organic law took care to define in what treason should consist:

"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."—*United States Constitution*, article 3 section 3.

Disloyalty is not taken cognizance of until it shall have assumed form and expression in a tangible or overt act. And whether such overt act has been committed is to be determined only by that tribunal provided by the Constitution for that purpose. It declares:

"The trial of all crimes, except in cases of impeachment, shall be by jury."—*Constitution*, article 3, section 2.

And further:

"No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury." * * * "Nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."—*Amendment to Constitution*, article 5.

"In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."—*Amendment to Constitution*, article 6.

"The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted."—*Constitution*, article 3, section 3.

"No bill of attainder, or *ex post facto* law, shall be passed."—*Constitution*, article 1, section 9.

Now, it is an established principle of construction, that what cannot be directly done cannot be done indirectly.

Since, therefore, the Constitution has defined the constituents and offense of treason, and has prescribed the mode by which the guilt of its perpetrator shall be established, it is, to my apprehension, a violation of that instrument to impute that offense when any of the ingredients which it specifies are lacking; or to try and in effect convict on practically what is an accusation of treason, in a mode other than that which it has ordained.

Tested by the above-recited requirements of the Constitution, how unwarranted and illegal is a private accusation of disloyalty, unaccompanied by specific charges, to usurp the functions of a jury and invest them in the Quartermaster General for its determination, and then, as is the practice in his department, investigate the charge in the absence of the accused, in a secret, *ex parte* proceeding, without opportunity to the party charged to confront the witnesses, and even, indeed, as is generally the case, without being able to ascertain who they are. Could there be a more flagrant and dangerous violation of all the safeguards of private rights?

But, further. Assuming a charge of disloyalty, and so preferred, to be a proper one, the quartermaster an appropriate tribunal to try it, a secret investigation by concealed witnesses legitimate, and the guilt of the accused established, it by no means follows that you have the right to deprive him of his property, and to an extent dependent on and having no limits but the necessities of the Army as the penalty of such guilt. However plausible the "plea of necessity" for confining his person in the exigencies of war and within the range of martial authority, you have no right to work a forfeiture of his estate by withholding payment for the property you have deprived him of. The constitutional injunction still remains:

"Nor shall private property be taken for public use without just compensation."

Among all the penalties you have prescribed in your statute law against the traitor, the murderer, the pirate, and the robber, commencing with the act of 1790, chapter nine, enacted in pursuance of the constitutional power to Congress to define the punishment of treason and other crimes, this prohibition has been respected. By that very act, in section twenty-four, still in full force, and but a reaffirmance of the constitutional injunction, it is declared that—

"No conviction or judgment for any capital or other offenses shall work corruption of blood or any forfeiture of estate."

Chief Justice Story, that champion of Federal power, on page 180, vol. 2, of his Commentary on the Constitution, in eulogizing the wisdom and expediency of the clauses prohibiting bills of attainder and forfeiture of estate, remarks, (and the quotation has great pertinence:)

"The history of other countries abundantly proves that one of the strong incentives to prosecute offenses as treason, has been the chance of sharing in the plunder of the victims. Rapacity has been thus stimulated to exert itself in the service of the most corrupt tyranny; and tyranny has been thus furnished with new opportunity of indulging its malignity and revenge; of gratifying its envy of the rich and good; and of increasing its means to reward favorites and secure retainers for the worst deeds."

And on page 239 he continues:

"The injustice and iniquity of such acts in general constitute an irresistible argument against the existence of the power. In a free Government it would be intolerable, and in the hands of a reigning faction it might be, and probably would be, abused to the ruin and death of the most virtuous citizens. Bills of this sort have been most usually passed in England in times of rebellion, or gross subserviency to the Crown, or of violent political excitements; periods in which all nations are most liable (as well the free as enslaved) to forget their duties and to trample upon the rights and liberties of others."

By the laws of civilized warfare, private property even in an enemy's country is respected. In his triumphant march to the city of Mexico, the famous Scott added to his laurels by his scrupulous observance of the rule. And more recently the king of Prussia, with the rich prize of France at his feet, observed the obligation to compensate the private citizen for such of his property as his army required.

Surely what the laws of war would secure to a private enemy should be accorded to our own citizens, especially when there is superadded to the spirit of international equity the express command of our own organic law.

I might add that, because there is required in behalf of claimants in the seceded States under the southern claims commission proof of their loyalty, it furnishes no just precedent for such a requirement when dealing with the citizens of States that remained in the Union. The confederacy sustained the character of a belligerent, and this fact devolved on all its citizens all the political consequences of such a relation. In the eye of international law its citizens were all constructively, at least, alien enemies. It is an act of grace, therefore, for the Government to permit them to remove this *prima facie* character; and any terms on which that benefit can be attained is in the nature of privilege. Not so with citizens of the Union. The presumption that they were all true to the Government as properly applies to them as the presumption to the contrary applies to the citizens of the South. It is a presumption that unites with the other valuable presumption which hedges the liberty of the citizen that he is supposed innocent till proven by a lawfully constituted tribunal to be otherwise. The act of 1864 violates these fundamental safeguards and assumes every man to be a traitor till he proves the negative that he is innocent. Such an act is at once humiliating to the pride and subversive of the rights of the American citizen.

But I wish it understood that in thus assailing this requirement of loyalty and its manner of proof, I do not concede that the claimants for whom I feel interested are in fact obnoxious to the charge of being disloyal. I have been dealing with the principles involved only. Doubtless some of these claimants disapproved the course of the Government in its war with the South, but so did Lord Chatham that of England in its war of the Revolution with us; so did Corwin, of Ohio, of ours in our war with Mexico; so, also, New England opposed our war of 1812, and I am not aware that the right and duty of an American citizen to approve or disapprove the acts of his own Government, which is but his representative and agent, do not apply to questions of war as well as of peace. I know of no class of men whose especial prerogative it is to dictate a policy of any kind for the Government unquestioned by their fellows.

But whatever the sentiments of these claimants, they were held to and performed all their political duties and obligations as citizens of the Union. They were subjected to military service, and their property has borne its full share of taxation, while suffering more than most others the ravages of war. The fact is, many if not most of these claimants, so far from being disloyal, were in fact in full accord with the Government in its war for the preservation of the Union. They are, nevertheless, hampered with obstacles to obtaining adequate redress, which my bill is designed to remove. But some of these, entitled to the meager relief now attainable, I believe have been actually thwarted by insinuations against their fidelity to the Union from superserviceable and vindictive miscreants, who have so safe and inviting a field for the wreaking of private malice in the secret and irresponsible method of receiving proof of disloyalty in the Departments.

It will be observed that I have made no provision in my bill for compensation for losses inflicted by confederate troops. These claims are doubtless entitled to consideration, and I have not included them only because I feared to jeopardize favorable action upon claims whose right to liquidation cannot be fairly disputed by uniting with them those in regard to which some might be disposed to cavil. I shall be much gratified, however, if the gentleman from Pennsylvania [Mr. B. F. MEYERS] shall succeed in incorporating into my bill an amendment looking to their adjustment also.

What he a few days ago so ably said in behalf of the recognition of losses inflicted on the people of Pennsylvania by confederate troops in the burning of Chambersburg and on other occasions, applies with at least equal force to the losses inflicted by the same troops in Maryland. The city of Frederick was compelled to pay a ransom of $200,000. Hagerstown, Middletown, and other places along the route of invasion were proportionately levied on.

We were thus treated, in the exercise of their character as belligerents, as part of the common enemy. Since, by reason of this community of interest, we were made to bear more than our proportion of losses, that same community of interest raises the obligation on the rest of the country to equalize the burden. It was as a component part of the Union we were made to suffer, and common cause should be made with us for our restitution by other States of the Union, which, only by reason of being more remote, experienced less of the shock of war, and, happily, were more exempt from its ravages. Moreover, as ably argued by the gentleman from Pennsylvania, the duty of protection by the Government is correlative to that of allegiance from the people.

By the Constitution it is stipulated that in consideration of the States having yielded the right of maintaining armies for their own defense "the United States shall protect each of them from invasion." When this obligation failed of performance, the equitable claim arose to the approximate equivalent instead of indemnity for the losses consequent on such failure or default. And as the Government is abundantly able to afford this reparation, indemnity, or relief, as you may be pleased to term it, it would seem but reasonable and just to grant it.

I now commit the whole subject for the present to the reflection of the House, with the decided hope that it will, before the session closes, take favorable action.

The fair form of peace has returned to brood over the land, the bright and beautiful spirit of amnesty is hastening to her side; let the more homely but not less esteemed features of fair dealing complete the group.

Printed at the Congressional Globe Office.